

August 15, 2002

THE HONORABLE BRAD BENSON
STATE REPRESENTATIVE
8023 N PAMELA
SPOKANE WA 99208

Subject: PDC Case No. 03-025

The Public Disclosure Commission will hold an enforcement hearing to determine if you violated RCW 42.17.3691 by failing to electronically file contribution and expenditure reports beginning January 1, 2002.

JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05 RCW, Administrative Procedure Act, and Title 390 WAC.

Hearing Date: Tuesday, August 27, 2002
Time: 11:00 AM (*All Times are Approximate*)
Place: John Cherberg Building, Senate Hearing Room 2
304 15th Avenue
Olympia, Washington
Presiding Officer: The Public Disclosure Commission, Mike Connelly, Chair
Authority for Hearing: RCW 42.17.370 and 42.17.395

LAW

RCW 42.17.3691 requires a candidate that expended twenty-five thousand dollars or more in the preceding year or expects to expend twenty-five thousand dollars or more in the current year to electronically file contribution and expenditure reports. WAC 390-19-030 defines "expects to expend" as when a filer's expenditures during the last election for the same office sought met or exceeded the electronic reporting threshold or when a filer projects that the electronic reporting threshold will be met.

FACTS AND CONCLUSION

Representative Benson spent \$32,174.84 during his 2000 campaign for election to the House of Representatives from the 6th Legislative District.¹ Representative Benson filed a candidate registration on April 24, 2002 for the 2002 election. PDC staff reminded Representative Benson of the electronic filing requirement by letter dated January 29, 2002. (Exhibit 1) A second reminder letter was sent by PDC staff to Representative Benson on June 4, 2002. (Exhibit 2) Representative Benson faxed a June 10, 2002 message to staff, which stated that *“I intend to spend more than \$25,000 this campaign and need to use electronic filing. Please forward passwords and any other information for myself and my daughter/co-treasurer, Ashley.”* (Exhibit 3) PDC staff faxed electronic filing instructions, a password request form and a sample signature authorization letter to Representative Benson on June 10, 2002. PDC staff sent a letter to Representative Benson on July 11, 2002 advising that enforcement action would result unless he electronically filed 2002 C-3 and C-4 reports by July 19, 2002. (Exhibit 4) Additionally, staff has had numerous telephone conversations with Representative Benson and his treasurer, Ashley, regarding electronic filing – the first telephone conversation occurred in May and the most recent one occurred on August 6, 2002. Staff is aware of contributions made to Representative Benson in May, June, and July 2002 which require C-3 reports to be filed. (Exhibit 5) Staff alleges that Representative Benson has failed to electronically file contribution and expenditure reports, a violation of RCW 42.17.3691.

If you plan to be present at the hearing or be represented by legal counsel, please notify us in advance of the hearing date. If you do not plan to be present at the hearing, you may submit evidence in your own behalf or in mitigation. You may do so by writing to the Chair, Public Disclosure Commission, PO Box 40908, Olympia, WA 98504-0908.

You are not required by law to attend the hearing. However, the Public Disclosure Commission recommends that respondents personally appear at hearings whenever possible. If you fail to attend or provide information in your own behalf, you may be in default and the Commission may assess appropriate penalties. The Commission has the authority to assess a penalty of up to \$1,000 for a single violation, up to \$2,500 for multiple violations, or refer the entire matter to the Attorney General’s office for higher penalties.

¹ The final 2000 campaign C-4 report discloses total expenditures of \$69,174.84, which includes transfers to surplus of \$37,000.00. Transfers to surplus made in accordance with RCW 42.17.095 are excluded from the electronic reporting threshold calculation. WAC 390-19-030.

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Philip Stutzman, Director of Compliance, will represent staff at the hearing. If you have questions regarding this matter, you may contact Lori Anderson toll-free at 1-877-601-2828.

Sincerely,

Philip E. Stutzman
Director of Compliance

EXHIBIT LIST

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| Exhibit 1 | January 29, 2002 letter to Representative Benson from Vicki Rippie |
| Exhibit 2 | June 4, 2002 letter to Representative Benson from Vicki Rippie |
| Exhibit 3 | Messaged faxed by Representative Benson to PDC staff on June 10, 2002 |
| Exhibit 4 | July 11, 2002 letter to Representative Benson from Vicki Rippie |
| Exhibit 5 | Printout from PDC database detailing May, June, and July contributions made to Representative Benson by Washington political committees who electronically file PDC reports |